

Senate File 347 - Introduced

SENATE FILE 347

BY DANIELSON

A BILL FOR

1 An Act providing for the removal of criminal history data
2 by bail bond information businesses, and including civil
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **692.23 Bail bond information**
2 **business — removal of criminal history data — civil action.**

3 1. As used in this section, unless the context otherwise
4 requires:

5 *a. "Bail bond information business"* means the business of
6 publishing or otherwise disseminating criminal history data
7 through a publicly accessible print or electronic medium, but
8 shall not include the business of any public body or agency.

9 *b. "Person"* means an individual, partnership, corporation,
10 or other business entity.

11 *c. "Resident"* means a person as defined in section 483A.1A.

12 2. A person engaged in the bail bond information business
13 shall not solicit or accept a fee or other form of payment for
14 the removal, correction, or modification of criminal history
15 data published or disseminated by the person in the course of
16 the person's business.

17 3. *a.* A resident whose criminal history data is published
18 or otherwise disseminated by a person engaged in the bail bond
19 information business may submit a written request to such
20 person to remove the resident's criminal history data from the
21 publicly accessible print or electronic medium through which
22 such data is published or otherwise disseminated.

23 *b.* A person engaged in the bail bond information business
24 shall, upon receipt of a written request for removal pursuant
25 to paragraph "a", remove the resident's criminal history data
26 from the publicly accessible print or electronic medium through
27 which such data is published or otherwise disseminated within
28 ten calendar days after receiving the written request for
29 removal.

30 4. In lieu of the remedies provided in section 692.6, a
31 resident whose criminal history data is published or otherwise
32 disseminated by a person engaged in the bail bond information
33 business may bring a civil action to enjoin the continued
34 publication or dissemination of the criminal history data if
35 the data is not removed from the publicly accessible print

1 or electronic medium through which such data is published or
2 otherwise disseminated within ten calendar days after receipt
3 of a written request for its removal. The court may impose a
4 civil penalty not to exceed one thousand dollars for each day
5 of noncompliance with an injunction and shall award reasonable
6 attorney fees and court costs related to the issuance of the
7 injunction.

8 5. Notwithstanding subsection 4, a violation of this
9 section constitutes an unlawful practice pursuant to section
10 714.16.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill provides for the removal of criminal history data
15 published or disseminated by bail bond information businesses
16 from publicly accessible mediums.

17 The bill defines "bail bond information business" to mean
18 the business of publishing or otherwise disseminating criminal
19 history data through a publicly accessible print or electronic
20 medium, but not including the business of any public body or
21 agency.

22 The bill prohibits a person engaged in the bail bond
23 information business from soliciting or accepting a fee
24 or other form of payment for the removal, correction, or
25 modification of criminal history data published or disseminated
26 by the person. The bill provides that a resident whose
27 criminal history data is published or disseminated by a person
28 engaged in the bail bond information business may submit
29 a written request to such person to remove the resident's
30 criminal history data from the publicly accessible print or
31 electronic medium through which such data is published or
32 disseminated. A person engaged in the bail bond information
33 business shall remove a resident's criminal history data from
34 such medium within 10 calendar days of receiving a written
35 request from the resident.

1 The bill provides that, in lieu of the remedies provided
2 in Code section 692.6, a resident whose criminal history
3 data is not removed from the publicly accessible print or
4 electronic medium through which the data is published or
5 disseminated within 10 days of the receipt of a written request
6 may bring a civil action to enjoin the continued publication
7 or dissemination of such data. The court may impose a civil
8 penalty not to exceed \$1,000 for each day of noncompliance with
9 an injunction and shall award reasonable attorney fees and
10 court costs.

11 A violation of the bill also constitutes an unlawful
12 practice under Code section 714.16, relating to consumer
13 frauds. Pursuant to Code section 714.16, the attorney
14 general may investigate, issue subpoenas, and commence
15 civil proceedings seeking restraining orders or injunctions
16 prohibiting persons from engaging in unlawful practices
17 or seeking termination of the business affairs of a person
18 engaging in unlawful practices. In addition, a civil penalty
19 of up to \$40,000 per violation may be imposed by a court
20 against a person found to have committed an unlawful practice.